

Docket No. 42390P11284

Application Serial No. 09/815,497

INTRODUCTORY COMMENTS

Applicant respectfully requests reconsideration of this application in light of the following remarks and arguments. All references herein to "Office action" refer to the office action dated April 27, 2005.

IN THE CLAIMS

Claims 1-20 are pending and stand rejected in the current office action. No claims are amended, added, or cancelled in this response.

REMARKS**Rejections Under 35 U.S.C. § 102**

In the office action dated April 27, 2005, claims 1-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Lerner, U.S. patent application publication US 2002/0010776 (referred to hereinafter as "Lerner"). Regarding applicant's independent claim 1, the office action states that Lerner teaches, "the network computing apparatus being capable to send a polling request at configurable intervals (see Paragraph [0050])", (Office action, page 3, paragraph 5). Applicant contends Lerner does not disclose a polling request, nor does Lerner disclose sending a polling request at configurable intervals.

Lerner discloses a 'message' being queued for delivery by message queuing middleware in response to a "user event of interest". (Lerner, paragraph [0050]) Neither the 'user event of interest' triggering the queuing of the message, nor the message itself,

Docket No. 42390P11284

Application Serial No. 09/815,497

is a 'polling request'. Therefore, Lerner does not disclose a 'polling request' according to applicant's independent claim 1.

Further, contrary to the office action, Lerner does not describe sending a polling request at *configurable intervals*. Lerner states that "... the message is queued up for delivery *as soon as the communication path is open or available*", (Lerner, paragraph [0050]) (emphasis provided). Lerner does not disclose that the message is sent at intervals, and does not disclose that the intervals are configurable. Rather, Lerner discloses that the message will be sent only after an extrinsic condition is satisfied, that is, when "the communication path is open or available". This does not describe 'configurable intervals'. Therefore, to the extent queuing a message could be construed as a polling request, which applicant does not concede, Lerner does not describe or disclose polling requests being sent at configurable intervals.

For at least the reason that Lerner does not describe a "network computing apparatus being capable to send a polling request at configurable intervals" as recited in applicant's independent claim 1, applicant respectfully submits the 35 U.S.C. 102(e) of independent claim 1 is improper, and requests withdrawal of the rejection. Further, because each of independent claims 6, 11 and 18 include this same claim recitation, applicant submits that the rejection should likewise be withdrawn from independent claims 6, 11 and 18. In as much as the dependent claims 2-5, 7-10, 12-17 and 19-20 depend from and include the recitations of independent claims 1, 6, 11 and 18 respectively, applicant respectfully submits the 35 U.S.C. 102(e) rejection of these claims is also improper, and requests withdrawal of the rejection from each of claims 2-5, 7-10, 12-17 and 19-20.

Docket No. 42390P11284

Application Serial No. 09/815,497

CONCLUSION

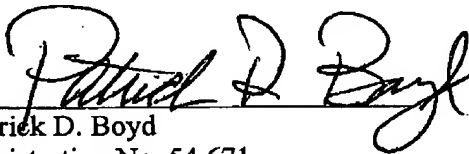
In light of the points and arguments set forth herein, applicants respectfully submit that the rejections have been properly overcome, and all claims are allowable as they currently stand.

Please charge any shortages and credit any overages to Deposit Account No.

02-2666.

Respectfully submitted,

Date: May 27, 2005

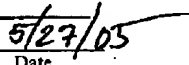

Patrick D. Boyd
Registration No. 54,671

c/o Blakely, Sokoloff, Taylor & Zafman, LLP
12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025
(503) 439-8778

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at:

Fax No.: 703-872-9306

Signature 
Rachael Brown


Date